

### **REMARKS**

This paper is in response to the Office Action dated July 7, 2005. A summary of the interview conducted on November 7, 2005 is as follows: The Reinicke et al. reference was erroneously generated by the computer to be Oliver et al. After a discussion, this was cleared up between Examiner and Applicant. Nothing further was discussed.

Claims 1-10 are currently pending. Claims 1-10 have been rejected. Claims 11-13 were previously withdrawn. Claims 1-10 have been cancelled. Claims 14-31 have been added.

Claims 1-5 were rejected under 35 U.S.C. § 102 (b) as being clearly anticipated by Japanese Patent No. 2002-285852, hereinafter (“the ‘852 patent”). Claims 6-10 were rejected under 35 U.S.C. § 103 (a) as being obvious in light of the ‘852 patent and in further view of either U.S. Patent No. 3,760,208 to Hamon, hereinafter (“Hamon”) or U.S. Patent No. 5, 083,744 to Reinicke et al., hereinafter (“Reinicke”). Applicant respectfully traverses these rejections. Applicant has, however, above-cancelled claims 1-10. While applicant has above-cancelled claims 1-10, Applicant hereby reserves the right to file a continuation application or to prosecute the above claims at a later date.

Claims 14-31 have been added. Applicant submits claims 14-31 are allowable over the art of record for a number of reasons. For example, claim 14 recites “a magnet and a metal latch element cooperating to apply a magnetic force for releaseably latching said damper in the open position when moved thereto and in the closed position when moved thereto.” The specification states that the magnetic latching arrangement includes a permanent magnet 100 mounted on the outside of the rotor 88 adjacent to one of the poles 96. Further, the specification states that four metal studs 102 are secured to the housing 86 and are spaced ninety degrees apart

at locations where the magnet 100 aligns with one of the posts 102 when the windings 92 and 94 are aligned with the magnetic poles 96. Still further, the specification states that the alignment of the magnet 100 adjacent to one of the posts or studs 102 acts to releaseably latch the rotor 88 in place to latch the damper 80 in its open and closed position without the need for mechanical stops. Thus, the metal latch element or the metal studs 102 cooperate in releaseably latching the damper in the open and closed positions.

None of the prior art of record discloses the above limitation. Specifically, as seen in FIGS. 1-3, the '852 patent discloses a valve device for controlling intake air having a valve element 12 that is turned by a drive motor 14. The valve element 12 is connected to a shaft 11, which in turn, is connected to a partial gear 7. The partial gear 7 contains a permanent magnet 4 coupled thereto. In FIG. 2 the magnet 4 is shown in contact with permanent magnet 5. However, when the shaft 11 is turned by the motor, and the valve element 12 is moved from a first position in FIG. 2 to a second position in FIG. 3, the magnet 4 releases from contact with the permanent magnet 5 and comes into contact with the permanent magnet 6. Thus, the valve element 12 is securely locked due to the contact and attraction of the permanent magnets 4, 5, and 6. Further, the magnets 5 and 6 are used as mechanical stops when in contact with the magnet 4. Thus, the '852 patent discloses a locking device that uses the attraction and contact of permanent magnets 4, 5, and 6 to securely lock the valve element 12 in place. However, the '852 patent does not disclose a metal latch element that cooperates with a magnet to releaseably latch the damper in the open and closed positions.

Reinicke also does not disclose this limitation. Specifically, Reinicke discloses permanently magnetized elements 50, 51 that are united to the retaining ring 36, both of which have an S-pole and polarized magnet elements 40, 41, wherein magnet element 40 has an N-pole

while magnet 41 has an S-pole. The magnet 50 is radially oriented and polarized to present its S-pole in at least partially coupled relation with the N-pole face of element 40 of the armature, thus establishing an attraction force to bias the rotor stop 46 against the fixed abutment 48 of valve-body part 11. At the same time, the magnet 51 is also radially oriented and polarized to present its S-pole inwardly, but, to the extent that it has any reaction with the nearest pole-face element of the armature, the relation is one of repulsion, as between the two involved S-pole faces of the magnets 41 and 51. Both of the magnets 50, 51 make their individual contributions to torsionally bias the rotor 13 into the positional limit of 46-48 abutments. Thus, Reinicke discloses two pairs of magnets 50, 51 and 40, 41 that are used to position the rotor. However, Reinicke does not disclose a metal latch element that cooperates with a magnet to position the rotor and, thus, releaseably latch the damper in the open and closed positions.

Hamon also does not disclose this limitation. Specifically, Hamon discloses a mechanical locking device having a stop 6, which is a permanent magnet, and a feeding magnet 5 that interlocks the slide 1 relative to the structure. As shown in FIG. 3, the winding is energized to excite the frame 3. The poles of the frame 3 have attractive polarity with respect to the magnet 5 and secure the shifting of the slide 1. Thus, when the slide 1 is moved to the appropriate position, the stop 6 interlocks the slide 1 relative to the structure. Thus, Hamon discloses a mechanical locking device using magnets to lock the slide relative to the structure. However, Hamon does not disclose metal latch element that cooperates with a magnet to position the rotor and, thus, releaseably latch the damper in the open and closed positions.

Thus, none of the prior art of record either singly or in combination discloses all the limitations of claim 14. Applicant submits that claims 15-25, which depend from

independent claim 14, are also allowable, at a minimum, by virtue of their dependence from an allowable base claim. Such favorable action is respectfully requested.

Claim 26 is also allowable over the prior art of record. For example claim 26 includes the limitation of a “stator having a first pair of opposed windings maintained at a first polarity and a second pair of windings maintained at a second polarity, wherein the second polarity is different from the first polarity.” As stated by the Examiner, the ‘852 patent does not disclose this type of motor. Thus, the ‘852 patent does not disclose all the limitations of claim 26.

Reinicke also does not disclose this limitation. Specifically, as shown in FIGS. 4 and 5, Reinicke discloses permanently magnetized elements 50, 51 that are united to the retaining ring 36, both of which have an S-pole and polarized magnet elements 40, 41, wherein magnet element 40 has a N-pole while magnet 41 has an S-pole. However, Reinicke does not disclose a stator having a first pair of opposed windings maintained at a first polarity and a second pair of windings maintained at a second polarity, wherein the second polarity is different from the first polarity. Thus, Reinicke does not disclose all the limitations of claim 26.

Hamon also does not disclose this limitation. As seen in FIG. 5, Hamon discloses a pair of frames 3 each having a pair of windings 4. The windings are energized to excite the frames. Further, as seen in FIGS. 21 and 22, Hamon discloses a stator composed of two shells 41, 42, each comprising four windings. The windings are a cluster containing in series or parallel four successive cores. However, Hamon does not disclose a stator with two pairs of opposed windings and, thus, does not include all the limitations of claims 26.

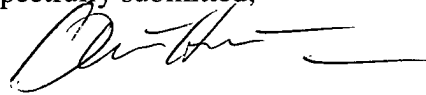
Thus, none of the prior art of record either singly or in combination discloses all the limitations of claim 26. Applicant submits that claims 27-31, which depend from

independent claim 26, are also allowable, at a minimum, by virtue of their dependence from an allowable base claim. Such favorable action is respectfully requested.

If the Examiner requires anything further in connection with this application, he is invited to contact the undersigned attorney at the number listed below. An Extension of Time is enclosed herewith.

The Commissioner is hereby authorized to charge any fees, or credit any overpayment, to Deposit Acct. No. 19-2112.

Respectfully submitted,



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